

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
at CHATTANOOGA

BILLY PARNELL THOMPSON,)
)
 Plaintiff,)) No. 1:08-cv-298
 v.)) Chief Judge *Curtis L. Collier*
 NURSE BRENDA; CAPTAIN GABE)
 THOMPSON;)
 All Parties are Sued in Their)
 Official and Individual Capacities,)
)
 Defendants.)

MEMORANDUM AND ORDER

Billy Parnell Thompson (“Thompson”) has filed a *pro se* civil rights complaint pursuant to 42 U.S.C. § 1983 (Court File No. 3). Thompson claims he lost fifty pounds in the month of September, has severe uncontrollable nervousness, and is short of breath. Thompson contends that, although he has been seen by Nurse Brenda and she has ordered him an extra food tray, performed a urinalysis, and checked his blood sugar for a week, he has not been seen by a doctor, and Nurse Brenda refuses to have any blood tests run on him unless he has his own health insurance. In addition, Thompson claims he now has a large lump on his testicle; lost fifteen more pounds, and his eyes are bulging, but defendants refuse to allow him to see a doctor because he does not have his own health insurance. Thompson claims he complained to Captain Thompson who told Thompson his weight loss is probably normal and if he complained about the medical treatment he was receiving in the presence of other inmates again, he would be charged with inciting a riot and spend the remainder of his sentence in the hole.

I. *In Forma Pauperis Motion*

Thompson has filed an incomplete *in forma pauperis* complaint. However, due to the seriousness of his claims, the Court will **RESERVE RULING** on the *in forma pauperis* motion

pending Thompson's filing of a complete Certificate, but will permit Thompson to serve Defendants (Court File No. 1).

Thompson has not paid the \$350.00 filing fee nor has he filed a complete *in forma pauperis* application. Specifically, Thompson failed to attach a statement certified by the appropriate institutional officer at the Bradley County Justice Center showing all receipts, expenditures, and balances during the last six months in his institutional accounts. Under the Prison Litigation Reform Act, a prisoner who files a complaint in a district court must tender the full filing fee **or** he must file (1) an application to proceed *in forma pauperis* without prepayment of fees **and** (2) a certified copy of his inmate trust account for the previous six-month period. 28 U.S.C. § 1915(a)(2).

Thompson has filed a blank certificate without explaining why it was not completed. The Court presumes it was an oversight on Thompson's part. However, if Thompson requests, but jail personnel refuse to provide the documentation (Certificate) which the Court has indicated must be filed, he **SHALL** notify the Court, within the allotted time-frame, as to the identity of the person who refused his request, the date he made the request, and indicate when his request was refused, as well as any other circumstance relative to his inability to obtain these documents.

The Clerk is **DIRECTED** to send an *in forma pauperis* application and a copy of this order by certified mail to the plaintiff. Thompson shall have **twenty (20) days** from the date of this order to pay the full filing fee or to complete the *in forma pauperis* application and submit the necessary documents. Thompson must have the Custodian of Inmate Accounts complete the certificate regarding his inmate account and submit a copy of his trust fund account for the last six months. Thompson is hereby **NOTIFIED** if he fails to fully comply with this Order within the time required, the Court shall presume he is not a pauper, shall assess the full amount of fees, and shall order the case dismissed for want of prosecution. If the case is dismissed under these circumstances,

Thompson is notified the case will not be reinstated to the District Court's docket despite the subsequent payment of the filing fee.

II. Service

The Clerk is **DIRECTED** to send Thompson service packets (a blank summons and USM 285 form) for each defendant named in this action. Thompson is **ORDERED** to complete the service packet and return it to the District Court Clerk, 900 Georgia Avenue, Room 309, Chattanooga, TN 37402, within **twenty (20) days** of the date of receipt of this order. The summonses will then be signed and sealed by the Court Clerk and forwarded to the United States Marshal for service. Fed. R. Civ. P. 4. Thompson is forewarned that failure to return the completed service packet within the time required will result in the dismissal of this action.

Defendants **SHALL** answer or otherwise respond to the complaint within **twenty (20) days** from the date of service.

Thompson is **ORDERED** to inform the Court, and Defendants or Defendants' counsel of record, immediately of any address changes. Failure to provide a correct address to this Court within **ten (10) days** following any change of address will result in the dismissal of this action.

SO ORDERED.

ENTER:

/s/
CURTIS L. COLLIER
CHIEF UNITED STATES DISTRICT JUDGE